

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE H.N.NARAYAN

C.R.P.NO.815/1998

Smt.Mallamma wife of
Prakash Patil, Age : 19 yrs.
r/o. Bommanajogi village
Tq : Sindgi, Dist : Bijapur. ... petitioner

(By Sri.M.B.Naragund - Adv.)

- vs -

Sri. Gurappa s/o. Hanumantharaya
Biradar, Age : Major
r/o. Bommanajogi Village
Tq : Sindgi, Dist : Bijapur. .. Respondent

(By Sri.Jayakumar S.Patil - Adv.)

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C.R.P. filed u/s.115 of CPC against the
order dated 20-2-1998 passed in FDP No.135/61
on the file of the Civil Judge (Jr. Dn.)
Sindgi, allowing I.A.9 and 10 filed under
Section 5 of the Limitation Act and u/o.22
R-4 of CPC.

This C.R.P. coming on for admission
this day, the Court made the following :

.. 2..

3. Since the petitioner is not under the care and protection during the pendency of the FDP, the trial Court chose to appoint a lawyer against whom the petitioner has made some allegation stating that he has not protected the interest by submitting no objection to allow I.A.IX and X. It is ^{prima facie} difficult/to accept this contention against the court guardian. Moreover, when the other defendants are representing the FDP, the question of abatement does not arise specially when a minor was represented by a court guardian. No illegality as such is noticed nor any prejudice is caused to the minor during the pendency of the FDP. Therefore, in my opinion, no error of law is committed by the court below. Revision therefore, lacks merit and it is dismissed.

Sd/-
JUDGE

rs/-